

HFS 46.01 Authority and purpose.

This chapter is promulgated under the authority of s. 48.67, Stats., to establish licensing requirements under s. 48.65, Stats., for group day care centers for children. The purpose of this chapter is to protect the health, safety and welfare of children being cared for in group child care centers.

HFS 46.02 Applicability.

(1) INCLUDED AND EXCLUDED CARE ARRANGEMENTS. This chapter applies to all group child care centers, whether the facility in which the child care and supervision are provided is known as a day care center, nursery school or preschool, head start or school-age child care program, or by any other designation, but it does not apply to the following:

(a) Care and supervision of children in a program, including religious education classes, which operates no more than 4 hours a week.

(b) Group lessons to develop a talent or skill, such as dance or music lessons, social group meetings and activities and group athletic activities.

(c) Care and supervision while the child's parent is on the premises and is engaged in shopping, recreation or other non-work activities.

Non-working parents on premises means a care situation in which a parent of every child in care is on the premises. Centers serving industry, college, university or employer-based child care where parents may be employed or attending classes on the same premises must be licensed.

ADMINISTRATIVE EXEMPTION TO LICENSING: An organization may use the premises of a licensed child care center for occasional exempt care for conferences or other activities when the center is not in operation. An example of this usage would be occasional weekends or evenings.

Centers offering after-hours care/activities for children on the premises of a licensed center (such as parent date nights, shopping, etc.) may do so provided that the parents are informed that the center is not licensed during that time period. If the center wishes to operate during this time as a licensed facility, an exception must be requested. Note: Centers should also check with their insurance company to ensure coverage during this time.

(d) Care and supervision provided at the site to the child of a recipient of temporary assistance to needy families or Wisconsin works who is involved in orientation, enrollment or initial assessment prior to the development of an employability plan or the child care is provided where parents are provided training or counseling.

This program is also known as W-2.

(e) Seasonal programs of 10 days or less duration in any 3-month period, including day camps, vacation bible schools and holiday child care programs.

(f) Care and supervision in emergency situations.

(g) Care and supervision while the child's parent is employed on the premises if the child receives care and supervision for no more than 3 hours a day.

46.02(2)

(2) EXCEPTION TO A REQUIREMENT. The department may grant an exception to a requirement of this chapter when it is demonstrated to the satisfaction of the department that granting the exception will not jeopardize the health, safety or welfare of any child served by the center. A request for an exception shall be in writing, shall be sent to the department and shall include justification for the requested action and a description of any alternative provision planned to meet the intent of the requirement.

Form CFS-297 Request for Exception is the preferred format for the request. A request in the form of correspondence will be accepted as an alternative. The exception request must include the rule number for which the exception is being requested; the signature of the licensee or the person previously delegated in writing by the licensee to have the authority to sign official documents or correspondence; and the alternative protection(s) being provided in lieu of meeting the rule.

Action on implementation of the exception request may not be taken by the licensee until an affirmative response is received from the department.

Note: A request for an exception to a requirement of this chapter should be sent to the licensing representative at the appropriate field office of the Department's Division of Children and Family Services. See Appendix A for addresses of the field offices.